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(Please see signature page for complete list of all parties represented)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA and)
PEOPLE OF THE STATE OF CALIFORNIA)
by and through CALIFORNIA REGIONAL) Case No: 3:24-cv-02594-AMO
WATER QUALITY CONTROL BOARD,)
SAN FRANCISCO BAY REGION,)
Plaintiffs,)
v.)
CITY AND COUNTY OF SAN FRANCISCO,)
Defendant.)

JOINT STATUS REPORT ON
ADR PROCESS AND STIPULATION
TO EXTEND STAY OF LITIGATION
DEADLINES

Hon. Araceli Martínez-Olguín

JOINT STATUS REPORT ON ADR
PROCESS AND STIPULATION TO EXTEND
STAY OF LITIGATION DEADLINES
Case No. 3:24-cv-02594-AMO

1 **JOINT STATUS REPORT ON ADR PROCESS AND STIPULATION TO EXTEND**
 2 **STAY OF LITIGATION DEADLINES**

3 On December 9, 2024, the Court entered the Parties' – Plaintiff United States of America
 4 ("United States"), Plaintiff People of the State of California by and through the California
 5 Regional Water Quality Control Board, San Francisco Bay Region (the "Regional Water
 6 Board"), Plaintiff-Intervenor San Francisco Baykeeper ("Baykeeper"), and Defendant City and
 7 County of San Francisco ("City" or "Defendant") – Joint Stipulation and Order Extending Stay
 8 of Litigation Deadlines through April 30, 2025. ECF No. 30. The Order directs the Parties to
 9 file a joint status report by April 15, 2025, advising the Court of the status of their efforts to
 10 resolve this matter through private mediation. The Parties' joint response summarizing the
 11 mediation timeline and efforts to date are respectfully submitted below.

12 **The Mediation Timeline**

13 Since the last status report was filed on November 14, 2025, the Parties have held one
 14 additional in-person mediation session on December 3, 2024 and one remote mediation session
 15 on March 25, 2025. The Parties have also held remote settlement meetings and have exchanged
 16 drafts of potential settlement agreements. The Parties have scheduled mediation sessions for
 17 April 22, 2025, and May 16, 2025, to continue discussions.

18 **Current Status of the Mediation**

19 Following the Supreme Court's decision in *City and County of San Francisco v. E.P.A.*,
 20 604 U.S. __ (2025), the United States and the State of California (Government Plaintiffs)
 21 amended their Complaint and dropped Claim 1, which alleged violations of a permit condition
 22 virtually identical to the one at issue in the Supreme Court's case. ECF No. 32. This
 23 significantly streamlines the issues to be resolved between the Government Plaintiffs and the
 24 Defendant. The Parties are successfully making progress on resolving the remaining claims of
 25 the Government Plaintiffs and ask the Court to continue the stay so that these issues may be
 26 resolved without further litigation.

26 JOINT STATUS REPORT ON ADR
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1 Baykeeper does not intend to amend its complaint while the Parties continue to engage in
 2 mediation and seeks to resolve its claim alleging City's violations of permit requirements
 3 associated with Combined Sewer Overflows via the mediation process.

4 **Stay of Litigation Deadlines**

5 Counsel for the Parties and have met and conferred and jointly request that the Court
 6 extend its December 9, 2024 Order (ECF No. 30) to allow the Parties to continue productive
 7 settlement discussions for another six months. The Parties stipulate as follows:

8 1. The Parties request that all Case Management Conferences be deferred and any
 9 otherwise applicable deadlines, including deadlines under Rules 12, 16, and 26 of the Federal
 10 Rules of Civil Procedure, be stayed through October 31, 2025.

11 2. The Parties shall submit a joint status report by October 31, 2025, advising the
 12 Court of the status of their efforts to resolve this matter without further litigation.

13 3. If any Party withdraws from the mediation process prior to October 31, 2025, the
 14 Parties shall notify the Court within ten days of receiving written notice of withdrawal, and
 15 simultaneously request the Court schedule a Case Management Conference and re-instate any
 16 deadlines set under Civil L.R. 16-2(a).

17 4. Defendant shall answer or otherwise respond to the Complaint and Complaint-in-
 18 Intervention filed in this action under Rule 12 by no later than 21 days after any Party
 19 withdraws from the mediation process or November 21, 2025, whichever is earlier.

20 5. The Parties agree that Confidentiality terms of the Court's June 3, 2024 Order
 21 (ECF No. 26) shall continue to govern such discussions.

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